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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,027	10/31/2003	Kazuo Okada	SHO-0043	1099
23353 7590 12/07/2010 RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036				
EXAMINER				
HSU, RYAN				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/697,027

**Applicant(s)**

OKADA, KAZUO

**Examiner**

RYAN HSU

**Art Unit**

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 August 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 20-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/200)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

DETAILED ACTION

In response to the amendments filed on 8/30/2010, claims 20-23 have been amended. Claims 20-23 are pending in the current application.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. **Claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muir et al. (US 2005/0192090 A1) and Uchiyama et al. (US 6,638,165 A).**

3. Regarding claims 20, Muir et al. teaches a gaming machine comprising: a variable display device for variably displaying symbols (*see [0006-0012]*). Additionally, Muir discloses a front display device disposed in front of the variable display device wherein the front display device includes a transparent liquid crystal display panel through which the variable display device is able to be seen (*see element 16 of Fig. 8*). This is shown through Muir's incorporation of light transmitting symbol which can appear through the transparent LCD (light crystal display panel) device or may display symbols in place of the symbols on the variable display device (*see Figs. 6-7 and the related description thereof, [paragraph [0011, 0018, 0022-0029], [0051-0053]*). Additionally, Muir teaches a transparent liquid crystal display panel for display an image for effect while transparently displaying the symbols of the variable display device. The display device taught by Muir teach a light guiding plate disposed between the transparent liquid crystal display panel and the variable display device, the light guiding plate for guiding light

from a lateral of the light guiding plate to a rear side of the transparent display panel the light having been emitted from a light source (*see Fig. 8 and the related description thereof*, paragraph [0017-0020], [0054-0064]). Furthermore, Muir teach a rear holder (*see element '60' and '64' of Fig. 8 and the related description thereof*) for holding the transparent liquid crystal display panel and the light guiding plate and an illumination part disposed at a rear side of the rear holder so that that symbols on the variable display are aligned at a position corresponding to the display window of the front display device and the openings for transparently displaying the symbols of the variable display device are within the display window of the front display device (*see Fig. 8 and the related description thereof*). However, Muir is silent specifically to providing a light guiding plate and a rear holder to be provided with openings respectively at a position corresponding to the display window. Instead Muir teaches a shutter mechanism (*see element '76', '78' of Fig. 8 and the related description thereof*, paragraph [0061-0063]) to be used in conjunction with a rear holder so that areas of the shutter mechanism are able to be made transparent and opaque so that symbols of the variable display may be displayed when an effect image over the areas covering the variable display symbols is used the viewer is able to correctly distinguish the resulting game outcome. Moreover, the shutter mechanism provides windows and contemplates the need for areas in the light guiding plate (ie: shutter mechanism in conjunction with the light sources [86] of Fig. 8) to be made transparent to produce the expected result of easily viewing the symbols on the variable display device. Although Muir does not specifically teach physical openings these windows serve as openings within the plate in order to produce the expected result of provide a clear view to the symbols for the user (*see paragraph [0014-0017]*).

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Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate providing openings into different elements to produce the expected result of clearing an obstructed view when different displays are placed in front of one another. Additionally, Muir teaches an illuminating part that illuminates the display window of the front display device through the openings of the light guiding plate and the rear holder and illuminates the symbols variably displayed on the variable display device in the form of a backlighting arrangement including a transparent panel [85] which includes a pair of illuminating elements [86] that are used to further enhance the display device (*see paragraph [0066-0067]*). Muir teaches that the illuminating layer forms a light guiding plate that provides an opening in an area in which the symbols on the variable display device are displayed through the transparent lcd display so as to decrease obstacles between the transparent liquid crystal display panel and the variable display device in order to ensure visibility of the symbols. However, Muir is silent with respect to producing an effect on a portion other than the display window.

4. In an analogous gaming patent, Uchiyama teaches another example of a gaming machine that comprises two displays that are placed one in front of the other. Uchiyama teaches that one display is a mechanical or physical reel system while the other is video display device (*see Fig. 8(a-c) and the related description thereof*). Uchiyama teaches in addition to the features of Muir a video display device is capable of displaying light transmitting symbols that can variably move about the screen and display effects that are in an area other than where the symbols are displayed using a variable display device(*see col. 12; ln 21-col. 13; ln 40*). Furthermore, Uchiyama specifically teaches the a front display device to display the image for effect on a portion other than the display window,

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where symbols formed on a variable display device are displayed by a reel display and images for effect are display on the transparent liquid crystal display panel. One would be motivated to incorporate the features of Uchiyama with that of Muir in order to create a more stimulating visual experience for the user. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Muir with that of Uchiyama as it would not change the physical capabilities of Muir invention but would add an element that is known in the arts as creating a more visually stimulating experience.

5. Regarding claims 21-23, Muir teaches a gaming machine where the diffusion sheet disposed between the transparent liquid crystal display panel and the light guiding plate, the diffusion sheet disposed between the transparent liquid crystal display panel and the light guiding plate, the diffusion sheet for diffusing the light toward the transparent liquid crystal display panel, the light having been guided by the light guiding plate and the rear holder, the diffusion sheet provided with an opening corresponding to the opening of the light guiding plate so that the symbols on the variable display device are displayed on the transparent liquid crystal display panel through the opening of the light guiding plate (*see Fig. 8 and the related description thereof*). Additionally, Muir teaches a gaming machine that includes a rear holder that has a function of reflecting on the transparent liquid crystal display panel, the light emitted from the light source to the lateral of the light guiding plate (*see element [78, 64, 60, and 80] of Fig. 8 and the related description thereof*). Furthermore, Muir teaches a variable display unit that contains all the limitations of the instant claims however they are not necessarily in the direct order in which the current limitations have specified such as an illumination part

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disposed between the rear face of the light guiding plate. Such differences do not effect the effect between the prior art and the instant invention. For example, having a light source layer either before or after or lateral to the light guiding plate would not affect the overall output or create a novel appearance created by such a design with respect to the illumination plate that would produce an unexpected result. Therefore it would have been an obvious matter of design choice to one of routine skill in the art to select where the light source layer would occur. Additionally, the instant claims are directed towards attributes that are inherent with a light guiding plate. When a solid object is placed in front of a lighted area, only the places where an opening exists will light be projected out of the source. Thus it would have been obvious to one of ordinary skill in the art to produce the expected result that using a light guiding plate would allow for the light to reveal the reels would be projected to provide the user the ability to see the reels of a gaming machine.

#### ***Response to Arguments***

6. Applicant's arguments filed 8/30/2010 have been fully considered but they are not persuasive. Applicant's arguments are directed towards the addition of elements with respect to a rear holder and a light guiding plate having additional openings to enable better viewing of the symbols on the variable display device located at a position behind the transparent liquid crystal display. As stated above, it is understood that Muir does not specifically teach openings in both a rear holder and a light guiding plate. However, the stated function (ie: openings of the rear holder of providing increased clarity to view the variable display device does not provide a stated advantage over the breadth of the prior art of record. Muir itself uses a monitor housing [60] which provides openings that allow

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for ease of viewing to the peripheries of the reels [18] or an analogous variable display device. At best the use additional openings would produce the expected result of a duplication of parts in solving a known problem that is discussed in the prior art of invention. Secondly, Muir produces the additional layer of a shutter mechanism which has predetermined zones that correlate with the position of the peripheries of the reels [18] that are made transparent to enable the reels to be displayed through the transmissive/transparent lcd display. One of ordinary skill in the art would have understood that the reason the shutter mechanism needed to have transparent openings would have been to ease the view of the variable display device. Therefore it would have been obvious to one of ordinary skill in the art to incorporate openings into a layer between a variable display device and the lcd display. Finally, the light guiding plate as currently claimed appears to be no more than a combination of the shutter mechanism with that of the illumination elements found disclosed and taught in Muir. Under KSR, it is known that a combination of known elements that do not produce an unexpected result has not reached overcome the burden for a finding of patentability. For the reasons stated above, the rejections recited above are maintained.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within



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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN HSU whose telephone number is (571)272-7148. The examiner can normally be reached on 9 :00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571)272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/  
Supervisory Patent Examiner, Art Unit

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RH

December 3, 2010